UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

: CIVIL ACTION

NEXTGEAR CAPITAL, INC.

3:18-CV-01617-MEM

Plaintiffs : (Judge Mannion)

:

VS.

: MOTION FOR EXTENSION OF TIME

ANTONIO L. GUTIERREZ, PAUL

PAUL GUTIERREZ,

:

Defendants. : ELECTRONICALLY FILED

Defendants ANTONIO L. GUTIERREZ and PAUL GUTIERREZ, through the undersigned counsel, move this Honorable Court for the entry of an Order to extend the time to file responsive papers to the Plaintiff NEXTGEAR CAPITAL's Motion for Summary Judgment in the above titled action. In support thereof, Defendants ANTONIO L. GUTIERREZ and PAUL GUTIERREZ show the following:

- Plaintiff NEXTGEAR CAPITAL filed a Motion for Summary Judgment on or about September 19, 2019 raising numerous legal and factual issues. The motion and supporting papers are approximately 130 pages;
- 2. Defendants ANTONIO L. GUTIERREZ and PAUL GUTIERREZ are in the process of responding to the summary judgment motion,

- but cannot file responsive pleadings by the due date of October 9, 2019;
- 3. For several reasons, some of which are due to the facts of this case, obtaining documents and local counsel is commencing a trial on October 7, 2019, Defendants' counsel requires additional time to prepare these responsive documents;
- 4. Counsel has contacted the Plaintiff's counsel in good faith in order to consent to extend the time for filing the responsive pleading on or about October 7, 2019 via e-mail, and Plaintiff's counsel consented up to October 21, 2019 via e-mail on October 8, 2019.
 Defendants' counsel requested at least to October 31, 2019 via e-mail;
- 5. This motion is not being made for the purpose of delay, but is made based upon the counsel's current court schedule and the need for additional time to prepare response papers;
- 6. This request for an extension of time will in no way result in prejudice to the Plaintiffs.

THEREFORE, Defendants ANTONIO L. GUTIERREZ and PAUL GUTIERREZ respectfully request that they be allowed until October 31, 2019 to file their memoranda in response to the plaintiff's motion for summary judgment.

Dated: October 9, 2019 Respectfully Submitted:

Borce Martinoski, LLC

By: /s/ Borce Martinoski

Borce Martinoski New Jersey Registration 014442008 Admitted Pro Hac Vice

75 Essex Street Suite 220 Hackensack, NJ 07601-4035 (201) 343-7237 martinoskilaw@gmail.com

Attorneys for Defendant, Antonio L. Gutierrez and Paul Gutierrez

Grabowski Law Offices, LLC

By: /s/ Walter T. Grabowski

Walter T. Grabowski Pa. Attorney ID 28296

61 N. Washington Street Wilkes-Barre, PA 18701 (570) 606-6100 (570) 606-6106 FAX walter@grabowskilawoffices.com

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CERTIFICATE OF NON-CONCURRENCE

I, Borce Martinoski, Esq., hereby certify that I sought the concurrence of the Plaintiff's counsel in the motion to extend response to the summary judgment motion, and the Plaintiff's counsel does not concur in the said motion.

Dated: October 9, 2019 Respectfully Submitted:

Borce Martinoski, LLC

By: /s/ Borce Martinoski

Borce Martinoski

New Jersey Registration 014442008

Admitted Pro Hac Vice

75 Essex Street

Suite 220

Hackensack, NJ 07601-4035

(201) 343-7237

martinoskilaw@gmail.com